

Applic. No. 10/791,595
Amdt. dated October 12, 2004
Reply to Office action of July 9, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-10 remain in the application. Claims 1-4 and 10 have been amended.

In the last paragraph on page 2 of the Office action, claims 1-10 have been rejected as being fully anticipated by either one of Paul (DE 19 40 644), Zykiss (DE 27 48 683), Pursell (U.S. Patent No. 1,533,208) or Rebel (DE 11 87 349) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and as a whole, the claims have, therefore, not been amended to overcome the references. However, subject matter from claim 6 has been added to claims 1 and 9.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 9 call for, *inter alia*:

Applic. No. 10/791,595

Amdt. dated October 12, 2004

Reply to Office action of July 9, 2004

a drive shaft connected to the tapering element and axially displaceable relative to the toothed wheels.

The Paul reference discloses a juicer having a drive shaft (14) provided with a gearwheel (19) mounted to the drive shaft (14). The gearwheel (19) moves together with the drive shaft (14) in the axial direction of the driveshaft (14) when the juicer is activated.

The reference does not show a drive shaft connected to the tapering element and axially displaceable relative to the toothed wheels, as recited in claims 1 and 9 of the instant application. The Paul reference discloses a gearwheel that is fixed to the driveshaft and moves with the driveshaft when the driveshaft is displaced in the axially direction. The Paul reference does not disclose that the driveshaft moves in relationship to the gearwheel. This is contrary to the invention of the instant application, in which a drive shaft is connected to the tapering element and is axially displaceable relative to the toothed wheels.

Since claims 1 and 9 are believed to be allowable over Paul, dependent claims 2-8 and 10 are believed to be allowable over Paul as well.

Applic. No. 10/791,595

Amdt. dated October 12, 2004

Reply to Office action of July 9, 2004.

The following comments pertain to the Zykiss reference.

The Zykiss reference discloses a citrus juicer having a drive shaft (12) that has a gearwheel (7) fixed to its bottom end. A pinion (10) is provided for driving the gearwheel (7) and thus the drive shaft (12). The drive shaft and the gearwheel (7) slide along the axial direction with respect to the pinion (10). In order to accommodate the axial movement of the gearwheel (7), the pinion (10) has a greater thickness than the gearwheel (7).

The reference does not show a drive shaft connected to the tapering element and axially displaceable relative to the toothed wheels, as recited in claims 1 and 9 of the instant application. The Zykiss reference discloses a gearwheel that is fixed to the bottom end of the driveshaft and moves with the driveshaft when the driveshaft is displaced in its axial direction. The Zykiss reference does not disclose that the driveshaft moves in relationship to the gearwheel. This is contrary to the invention of the instant application, in which a drive shaft is connected to the tapering element and is axially displaceable relative to the toothed wheels.

Applic. No. 10/791,595

Amdt. dated October 12, 2004

Reply to Office action of July 9, 2004

Since claims 1 and 9 are believed to be allowable over Zykiss, dependent claims 2-8 and 10 are believed to be allowable over Zykiss as well.

The following comments pertain to the Pursell reference.

The Pursell reference discloses a fruit juice extractor having a gear (42) that is made part of or fixed in any suitable manner to the lower end of the tubular shaft (24), which constitutes part of a bulb supporting and actuating standard. The Pursell reference discloses that the extractor bulb actuates a tubular element (28) connected to a disc (62), the disc (62) actuates a switch to start the juice extractor.

The reference does not show a drive shaft connected to the tapering element and axially displaceable relative to the toothed wheels, as recited in claims 1 and 9 of the instant application. The Pursell reference discloses a gear that is fixed to the tubular shaft (24) and moves with the tubular shaft when the tubular shaft is displaced in its axial direction. The Pursell reference does not disclose that the tubular shaft moves in relationship to the gear. This is contrary to the invention of the instant application, in which a drive shaft is connected to the tapering element and is axially displaceable relative to the toothed wheels.

Applic. No. 10/791,595

Amdt. dated October 12, 2004

Reply to Office action of July 9, 2004

Claims 1 and 9 also call for, *inter alia*:

the axially displaceable drive shaft being configured to actuate the switch in close vicinity of the axis of rotation.

The reference does not show the axially displaceable drive shaft being configured to actuate the switch in close vicinity of the axis of rotation, as recited in claims 1 and 9 of the instant application. The Pursell reference discloses that a disc that is fixed to the tubular element (28) and the disc activates a switch to activate the juice extractor. The Pursell reference does not disclose that an axially displaceable drive shaft is configured to actuate a switch. This is contrary to the invention of the instant application, in which the axially displaceable drive shaft is configured to actuate the switch in close vicinity of the axis of rotation.

Since claims 1 and 9 are believed to be allowable over Pursell, dependent claims 2-8 and 10 are believed to be allowable over Pursell as well.

The following remarks pertain to the Rebel reference.

Applic. No. 10/791,595
Amdt. dated October 12, 2004
Reply to Office action of July 9, 2004

The Rebel reference discloses a juicer having a drive shaft (20) provided with a gearwheel (19) mounted to the drive shaft (20). The gearwheel (19) moves together with the drive shaft (20) in the axial direction of the driveshaft (20) when the juicer is activated.

The reference does not show a drive shaft connected to the tapering element and axially displaceable relative to the toothed wheels, as recited in claims 1 and 9 of the instant application. The Rebel reference discloses a gearwheel that is fixed to the driveshaft and moves with the driveshaft when the driveshaft is displaced in the axially direction. The Rebel reference does not disclose that the driveshaft moves in relationship to the gearwheel. This is contrary to the invention of the instant application, in which a drive shaft is connected to the tapering element and is axially displaceable relative to the toothed wheels.

Since claims 1 and 9 are believed to be allowable over Rebel, dependent claims 2-8 and 10 are believed to be allowable over Rebel as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 9. Claims 1 and 9

Applic. No. 10/791,595

Amdt. dated October 12, 2004

Reply to Office action of July 9, 2004

are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 9, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Applic. No. 10/791,595

Amdt. dated October 12, 2004

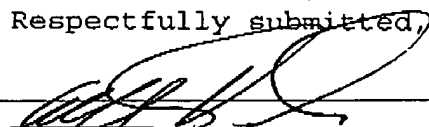
Reply to Office action of July 9, 2004

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

Alfred K. Dassler

52,794


For Applicant(s)

AKD:cgm

October 12, 2004

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101